

Senate File 2320 - Introduced

SENATE FILE 2320
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2066)

A BILL FOR

1 An Act relating to providers of medical assistance program
2 consumer-directed attendant care and consumer choices
3 option services, including effective date and retroactive
4 applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. MEDICAL ASSISTANCE PROGRAM — PROVIDERS OF
2 CONSUMER-DIRECTED ATTENDANT CARE AND CONSUMER CHOICES OPTION
3 SERVICES.

4 1. a. The department of human services shall adopt
5 rules pursuant to chapter 17A to provide for all of the
6 following regarding providers of medical assistance program
7 consumer-directed attendant care and consumer choices option
8 services:

9 (1) That an individual who serves as a member's legal
10 representative and provides services to the member under a home
11 and community-based services waiver consumer-directed attendant
12 care agreement or under a community choices option employment
13 agreement in effect on or after December 31, 2013, may continue
14 to act as a provider under the agreement and payment to such
15 provider is not considered funds incorrectly paid under the
16 medical assistance program.

17 (2) Beginning July 1, 2016, the department may require
18 services through the consumer-directed attendant care option
19 to be provided through an agency but shall retain the consumer
20 choices option for those individuals able and desiring
21 to self-direct services. If the department does require
22 services through the consumer-directed attendant care option
23 to be provided through an agency beginning July 1, 2016, an
24 individual providing services to a member under a home and
25 community-based services consumer-directed attendant care
26 agreement in effect on June 30, 2016, may continue to act as
27 an individual provider under the agreement and payment to such
28 provider is not considered funds incorrectly paid under the
29 medical assistance program.

30 b. For the purposes of this subsection, "legal
31 representative" means a person, including an attorney, who is
32 authorized by law to act on behalf of the medical assistance
33 program member. "Legal representative" does not include the
34 spouse of a member or the parent or stepparent of a member aged
35 seventeen or under.

1 under the agreement and payment to such provider is not
2 considered funds incorrectly paid under the medical assistance
3 program.

4 Under the bill, "legal representative" means a person,
5 including an attorney, who is authorized by law to act on
6 behalf of the medical assistance program member. "Legal
7 representative" does not include the spouse of a member or the
8 parent or stepparent of a member aged 17 or under.

9 The bill provides that any provider of services under a CDAC
10 or CCO agreement in effect on or after December 31, 2013, is
11 subject to rules for Medicaid providers relating to mandatory
12 suspensions and terminations and background checks.

13 The bill takes effect upon enactment and is retroactively
14 applicable to December 31, 2013.